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The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY DEPARTMENT OF CIVIL SUPPLIES AND CONSUMER AFFAIRS

(G.O. Ms. No. 11, Puducherry, dated 26th October 2017)

NOTIFICATION

Whereas, the following draft rules on Food Security is published to invite views/suggestions from the general public. The views/suggestions if any, shall be submitted to the Director, Department of Civil Supplies and Consumer Affairs, Thattanchavady, Puducherry within 15 days from the date of publication in the Official Gazette :-

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Food Security Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,

(a) “Act” means the National Food Security Act, 2013 (No. 20 of 2013);

(b) “Commission” means State Food Commission constituted for the Union territory of Puducherry under sub-section (1) of section 16 of the Act;

(c) “Government” means the Administrator of the Union territory of Puducherry appointed under Article 239 of the Constitution;

(d) “Priority Household” means those category of households as mentioned in rule 3(1).

(2) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. *Identification of Priority households.*— (1) Identification of Priority household shall be based upon inclusion and exclusion criteria to be determined by the Government from time to time:

(i) The following category of households which do not possess any of the exclusion criteria indicated in sub-rule (2) will be automatically included in the priority Group:

(a) The homeless households;

(b) Households where Head of the family is a disabled person;

(c) All households headed by a widow or single women (unmarried/separated/deserted);

(d) All households of landless agricultural laborers;

(e) All households of small farmers;

(f) All households living in katcha houses ;

(g) Occupationally vulnerable households where the main source of income is from:

(i) Manual casual labour;

(ii) Part-time or full-time domestic service;

- (iii) Foraging/Rag picking;
- (iv) Begging/Charity/Alms collection;
- (v) Unorganised daily wage labours;
- (vi) Street vendors/cobblers/hawkers/other service providers working on streets;
- (vii) Construction workers/plumber/mason/labour/painter/welder/security guard/coolie/load man/watchman/gatekeeper/washerman/hairstylist;
- (viii) Sweeper/Sanitation worker;
- (ix) Home-based worker/artisan/handicrafts worker/tailor;
- (x) Transport worker/driver/conductor/helpers to drivers and conductors/cart puller/rickshaw puller;
- (xi) Shop worker/assistant/peon in small establishment/helper/delivery assistant/attendant/waiter;
- (xii) Electrician/mechanic/assembler/repair worker;
- (xiii) Washermen.

(2) The following will be automatically excluded:-

- (a) Members of Parliament and Members of Legislative Assembly;
- (b) Employees of Group 'A' and 'B' categories working in Government of India, State Governments and Union Territories or its Boards/Corporations/Enterprises/Undertakings, Municipal Corporations, Municipal Councils, Municipal Committees, Improvement Trusts, Universities, Government aided Educational Institutions, *etc.*;
- (c) Family having an Income Tax/Service Tax payer;
- (d) Owners of heavy vehicles;

4. *Procedure for finalisation of list of Priority Households.*—

(1) Preparation of Fair Price Shop-wise draft list of Priority Households from among the AAY and BPL families by the Office of the Department of Civil Supplies and Consumer Affairs.

(2) Display of the draft list of Priority Households in respective Fair Price Shops and website of the Department of Civil Supplies and Consumer Affairs.

(3) Any household who is not satisfied with their status or that of others, believing wrong inclusion in the list or wrong exclusion from the list, as the case may be, can approach the Office of the Department of Civil Supplies and Consumer Affairs and make claims with appropriate documentary evidence.

(4) Households not satisfied with their status and decision of Department of Civil Supplies and Consumer Affairs on their representation will have the right to appeal to the District Grievance Redressal Officer.

(5) Once the list of Priority Households is finalised and published, the list shall be valid for 3 years or for further extension period as notified by the State Government:

Provided that by this time, if, any Priority Household got economically upgraded or the said household lost the eligibility to enjoy such status, and if, in this regard any complaint is lodged by anybody, or such information is received by the Office of the Civil Supplies and Consumer Affairs, shall take necessary action on the information and shall change the status of the household if necessary.

(6) The criteria for identification of Priority Households may be changed as and when required.

5. *Implementation of Direct Benefit Transfer.*— Food subsidy shall be transferred to the Bank Account of the entitled households as per the provision of Cash Transfer of Food Subsidy Rules, 2015.

6. *Internal Grievance Redressal Mechanism.*— (i) The Government of Puducherry shall nominate Nodal Officer at District and Region levels to receive complaints from the beneficiaries of the welfare schemes under the Act;

(ii) Any beneficiary or institution can lodge complaint with concerned Nodal Officer at his/her Office in writing or through electronic mode. Every complaint so received shall be assigned unique complaint number with date and informed to the complainant;

(iii) After verification of facts by the concerned Nodal Officer of the State Government about the complaint received necessary action for its disposal shall be completed within 30 days from receipt of the complaint.

7. District Grievance Redressal Officer.—

(i) Designation of District Grievance Redressal Officer

The Government designates the following Officers as District Grievance Redressal Officer (DGRO):

District Grievance Redressal Officer (DGRO)	District/Region
District Collector, Puducherry	Puducherry
District Collector, Karaikal	Karaikal
Regional Administrator, Mahe	Mahe
Regional Administrator, Yanam	Yanam

The Government shall, immediately on appointment or designation of District Grievance Redressal Officers,-

(a) give wide publicity through newspaper and other means about District Grievance Redressal Officers, including name, address, telephone number, e-mail address, facsimile number and other means of contacting him, in respect of each District/Region for which the District Grievance Redressal Officer has been appointed or designated, and thereafter, repeat it at regular intervals:

Provided that in case of any change in the District Grievance Redressal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him, shall be suitably intimated to the public.

(b) display, at each Office of the Civil Supplies and Consumer Affairs, Fair Price Shops, Schools, Anganwadis, other public places, website and at the Office of the Grievance Redressal Officer and the State Food Commission, the name of the District Grievance Redressal Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each District/Region for which the District Grievance Redressal Officer has been appointed or designated.

(ii) Procedure for registering complaints

(a) Any aggrieved person may file and register his complaint with the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in grievance boxes at the Office of DGROs, Department of Civil Supplies and Consumer Affairs and select fair price shops.

(b) The complaint shall be of non receipt of entitled food subsidy or non distribution of food grains or meals under chapter II of the NFSA or of the quality of the foodgrains or matters relating thereof.

(c) The complaint boxes shall be opened at 4:00 pm everyday to retrieve the complaints and immediate action shall be taken for their redressal.

(d) Complaints shall be filled with specific details and contact information of the complainant. No anonymous complaint shall be entertained.

(e) Where a complainant is unable to make a complaint is unable to make a complaint in writing, the DGRO shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(f) All complaints shall be assigned unique complaint number with date and informed to the complainant.

(iii) Procedure for disposal of complaints

(a) For every complaint received, the DGRO shall verify whether there is a *prima-facie* substance in the complaint to proceed in the matter.

(b) If the DGRO is satisfied, that there is *prima-facie* substance in the complaint, he shall seek explanation in the matter from Concerned Officer or person or agency against whom complaint has been made, along with relevant documents. The requisite explanation and documents shall be furnished by the Concerned Officer or person or agency against whom complaint has been made, to the DGRO, within fifteen days.

(c) Based on the explanation of Concerned Officer or person or agency against whom complaint has been made, and the available documents, if the DGRO is satisfied about the veracity of the grievance, he shall issue necessary order for its redressal within thirty days from the date of receipt of the complaint. DGRO shall dismiss the complaint, in case no merit is found.

(d) If, the DGRO feels that the matter needs to be further examined, he may:

- (i) get the matter enquired by a suitable Officer of the State Government at District level and decide on the basis of report so received within 45 days from the date of receipt of the complaint, or
- (ii) if, considered necessary, give an opportunity to the complainant and Officer/person/agency concerned with the complaint, to present their case on a fixed date and after having heard them and taking into consideration the evidences submitted, decide the matter within 45 days from the date of receipt of the complaint.

(e) On the date fixed for hearing, if, the complainant is absent, the DGRO may dismiss the complaint or proceed to enquire the matter *ex parte* and decide. If, however, the officer/person/agency concerned with the complaint, called by the DGRO is absent on the date fixed by him, he may proceed to enquire the matter *ex parte* and decide.

(f) The complainant shall be informed of the decision on his complaint in writing or through electronic mode if, the complaint was made in electronic mode, with a system for confirmation of its receipt by complainant.

(g) If, the DGRO is of the opinion that the disposal of the complaints requires more time than prescribed under clauses (3) and (5) above, the complainant shall be sent an interim reply citing the reasons for delay.

(iv) Powers of District Grievance Redressal Officer

The DGRO, while enquiring into complaints, shall have powers to require any concerned officials/persons at District/Field level -

(a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition.

(b) to furnish such information as may be required.

(v) Monitoring the disposal of complaints

Disposal of complaints shall be monitored by the Secretary (Civil supplies and Consumer Affairs), Puducherry at least once in every quarter.

(vi) Appeal

Any complainant or the Officer or person or agency against whom any order has been passed by the DGRO, who is not satisfied with the redressal or grievance, may file an appeal against such order before the State Food Commission, within thirty days from the date of the issuance of the order by the DGRO.

(vii) Periodical Reports

DGRO shall send a monthly report on complaints received and disposed of by him to the Secretary (CS&CA) by 15th of the succeeding month.

8. *Appointment of Chairperson and other Members for State Food Commission.*— (a) The Chairperson and Members shall be appointed based on the recommendations of the Selection Committee comprising the Chief Secretary to Government of Puducherry, the Secretary (Civil Supplies and Consumer Affairs), Puducherry and the Secretary (Law), Puducherry.

(b) The Member-Secretary, who shall be an Officer of the Government of Puducherry not below the rank of Joint Secretary to Government of Puducherry, shall be appointed based on the recommendations of the Selection Committee constituted for selecting the Members of the Commission.

9. *Salary and other allowances and terms and conditions of the Chairperson and Members.*— (a) If, a retired or non-official Chairperson is appointed, he/she shall receive a consolidated honorarium of ₹ 40,000 per month.

(b) The Members shall receive a consolidated honorarium of ₹ 25,000 per month.

(c) The Chairperson and the Members shall be eligible for such travelling allowances admissible to the Grade-I Officer of the Government of Puducherry during the sittings.

(d) The honorarium and other allowances shall be defrayed out of the Consolidated fund of the Government.

(e) Chairperson and the Member may

- (i) by writing under his hand and addressed to the Government resign their Office any time;
- (ii) be removed from their Office in accordance with provisions of sub-section (9) of section (16) of the Act.

Provided that the Chairperson or a Member shall not be removed from their office on the ground specified in sub section (10) of Section (16) of the Act except on a inquiry held by the Selection Committee.

(f) Before appointment, Chairperson and Members shall have to give an undertaking that he/she does not and will not have any such financial or other interests as is likely to affect prejudicially their functions as such Member.

(g) The terms and conditions of the service of the Chairperson or Members shall not be varied to their disadvantage during their tenure of Office.

(h) Every vacancy caused by resignation and removal of the Chairperson and their Members of the Commission under sub-rule (f) or otherwise shall be filled by fresh appointment.

(i) Where any such vacancy occurs in the Office of the Chairperson, the senior most (in order of appointment) Member, holding Office for the time being, shall discharge the functions of the Chairperson until a person appointed to fill such vacancy assumes the Office of the Chairperson.

(j) When the Chairperson, is unable to discharge the functions owing to absence, illness or any other cause, the senior most (in order of appointment) Member, holding Office for the time being, shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions.

(k) The Chairperson or any member ceasing to hold Office as such shall not hold any appointment in or be connected with the management or administration of an organisation which have been the subject of any proceeding under the act during his/her tenure for a period of five years from the date on which he/she ceases to hold such Office.

10. *Place of sitting and other matters relating to State Food Commission.*— (a) Office of the State Food Commission shall be located at Puducherry.

(b) The working days and the office hours of the Commission shall be the same as that of the Government or as fixed by the Chairperson of the Commission.

(c) The official seal and emblem of the State Commission shall be such as the Government may specify.

(d) Sittings of the Commission, as and when necessary, shall be convened by the Member-Secretary on the directions of the Chairperson.

(e) The proceedings of the Commission shall be convened with a quorum of minimum 3 Members. The Commission will evolve its own procedures.

11. *Procedure for registering complaints and appeals.*— (1) Complaint regarding violation of entitlements under the Act and appeal against the order of the District Grievance Redressal Officer shall be presented by the complainant or appellant to the Commission in person or by registered post or any electronic mode, addressed to the Member-Secretary of the Commission.

(2) Any appeal against the order of the DGRO shall be filed before the Commission with 30 days.

(3) Every appeal shall be accompanied by the certified copy of the order of the DGRO and such other documents as may be required to support grounds of appeal.

(4) Complaint or appeal shall be filed with specific details and contact information of the complainant. No anonymous complaint shall be entertained.

12. *Disposal of complaints and appeals by the Commission.*—

(1) The Commission shall, on receipt of any complaint, seek a report on it from the DGRO/Director of Civil Supplies and Consumer Affairs, along with supporting documents, who shall be required to furnish it within fifteen days.

(2) Taking into consideration the report of the DGRO/Director of Civil Supplies and Consumer Affairs, and the available documents, The Commission shall issue appropriate orders for redressal of the complaint, within fifteen days from the date of receipt of the report of the DGRO/Director of Civil Supplies and Consumer Affairs.

(3) In the case of appeal against the orders of the DGRO, the Commission shall give an opportunity to the DGRO and the appellant to present their cases in person on a fixed date, time and place and after having heard them and taking into consideration, the evidences submitted by them, decide the appeal within thirty days from the date of receipt of appeal.

(4) On the date fixed for hearing, it shall be obligatory for the DGRO and the appellant to appear before the Commission, and in case of failure to do so, the Commission may in its discretion either dismiss the case or proceed to enquire the matter *ex parte* and decide the appeal within a period of thirty days from the date of receipt of appeal.

(5) The order of the commission shall be authenticated by the Member-Secretary or any other Officers of the Commission duly authorised by the Commission on its behalf.

(6) The Commission shall arrange to deliver copies of the decision to the officer/person/agency concerned within a period of fifteen days from the date of such decision.

13. *Maintenance of Records.*— The Commission shall maintain all the records including the appeals and records related to their disposal.

14. *Appointment of administrative staff and technical staff for the State Food Commission.*— The State Government shall make available to the State Commission, adequate administrative and technical staff.

15. *Display of records in Public Domain.*— The following records shall be made available in the Department's website or any portal specified for the Act:

- (a) The criteria for identification of Priority Households.
- (b) The list of beneficiaries under the Act.
- (c) Entitlement of cash subsidy/food grains/meals.

16. *Conduct of Social Audit on the implementation of welfare schemes of the Act.*— (i) The State Government shall authorise the Tahsildar of Taluk concerned to engage all field functionaries not below the rank of Village Administrative Officer under his/her disposal or any Department like Directorate of Economic and Statistics which is not directly involved in implementing the Schemes under the Act or any independent Body to perform the work of facilitation in the conduct of periodic social audits, as prescribed, on the functioning of welfare schemes under the Act.

(ii) A simple format/questionnaires shall be devised which will be provided to a minimum of 20% of the beneficiaries of the concerned Fair Price Shop/Anganwadi Centres/Schools as the case may be, so that beneficiary can opine their views.

(iii) The respective field functionary shall collect duly filled in format/questionnaire from all the participants.

(iv) On the basis of the opinions of the people, the respective Department/Agency shall prepare and submit a consolidated Report to the Department of Civil Supplies and Consumer Affairs indicating special measure to be taken for better implementation of the welfare schemes.

(v) The dealer of concerned Fair Price Shop/Anganwadi Centres/Schools or any other functionary related to the welfare scheme shall not be engaged in circulation/collection of format/questionnaires.

17. *Setting up of Vigilance Committees.*— (i) For ensuring transparency and proper implementation of the Direct Benefit Transfer under the Act and other welfare schemes, there shall be Vigilance Committees to be set up by the State Government as specified in the Targeted Public Distribution System (Control) Order, 2015 as amended from time to time, preferably at the State and District levels consisting of such persons, as prescribed.

(ii) The composition of such Vigilance Committees shall be such as may be notified and/or as amended by the State Government in the Official Gazette.

18. *Utilisation of institutional mechanism for other purposes.*— The Union territory Government shall utilise the services of State Food Commission in the matter of proper implementation of other schemes and programme of the Government of India and Government of Union territory of Puducherry as may be notified by the Government.

19. *Removal of doubts.*— If, any doubt arises with regard to the interpretation of any provisions of these Rules, it shall be referred to the Department of Civil Supplies and Consumer Affairs, Puducherry, whose decision shall be binding.

20. *Amendment of rules.*— The State Government may, if, it deems fit, by notification, amend the prescribed rules.

(By order of the Lieutenant-Governor)

P. PRIYTARSHNY,
Additional Secretary-*cum*-Director (CS&CA).